

REMARKS

Summary Of The Office Action & Formalities

Claims 1 and 3-17 are all the claims pending in the application. By this Amendment, Applicant is canceling claims 3, 12, 13, 15, 16, and 17, amending claims 1, 4, 5, 6, 8, 10, and 11, and adding new claims 18-24. No new matter is added.

Applicant thanks the Examiner for adding claims 8 and 11 to the elected claims for consideration.

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on July 22, 2004.

The prior art rejections are summarized as follows:

1. Claims 1, 3-6, 8, 9, 11, 12, 15, and 16 are rejected under 35 U.S.C. § 102(e) as being anticipated by Gueret (US 6,073,805).

2. Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gueret (US 6,073,805) in view of de Pous et al. (US 6,273,300).

3. Claims 10, 13, 14, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gueret (US 6,073,805) in view of Gueret (US 5,292,033).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

1. Claims 1, 3-6, 8, 9, 11, 12, 15, And 16 In View Of Gueret (US 6,073,805).

In rejecting claims 1, 3-6, 8, 9, 11, 12, 15, and 16 in view of Gueret (US 6,073,805), the grounds of rejection state:

Gueret discloses a fluid dispenser device designed to be mounted on the neck of a receptacle (4) as seen in Figure 2, which comprises a dispensing member (26), fixing means for fixing the dispensing member to the neck of the receptacle (col. 4, ll. 27-67), the dispensing member comprises a body (28) whose top end is provided with a collar (46) that projects outwards, the fluid dispenser device being characterized in that the fixing means comprise a substantially cylindrical ring (18) engaged on the body under the collar as seen in Figure 2, the ring being peripheral leaktight contact with the body by being radially clamped thereon (col. 6, ll. 47-48), the ring defines a top end in abutment under the collar as seen in Figure 2, the body also forms at least one outwardly-projecting bulge situated below the collar (46) see attached Figure 2 for location of the at least one outwardly-projecting bulge, the ring being disposed between the collar and the at least one bulge so that the ring is locked therebetween as seen in Figure 2, the free top end of the ring is provide with an inside bevel to make it easier for the ring to pass over the bulge (col. 5, ll. 34-46 and as seen in Figure 2), a radial flange (20) serving into abutment against the neck of the receptacle, a socket (16) being extended downward and configured to be crimped (col. 4, ll. 11-26).

Office Action at pages 2-3.

Applicant has amended claim 1 to include the limitations of claim 3.

The Examiner rejected claim 3 as being anticipated by Gueret '805. In all the embodiments shown in Gueret, the part of the pump body in contact with the ring is initially cylindrical before being deformed by the ring, that is, before inserting the body in the ring. The deformation (groove) of the body is achieved by a bead (27 [Fig. 1], 62 [Fig. 2]) formed on the inner wall of the ring. *See* column 4, lines 51-54, column 4, lines 66, 67, column 5, lines 51-54. This deformation of the pump body by the ring ensures a liable and tight securing.

However, the deformation of the pump body results in a deformation of the inner wall of the pump body, and this inner wall acts as a sliding cylinder for the piston of the pump. In deforming this cylinder, the piston can not slide anymore, and the pump does not work anymore.

In the device according to claim 1, on the other hand, the pump body is not permanently deformed. The ring does not deform the pump body, but is snapped, locked or jammed between the collar and the bulge.

Moreover, as recited in new claim 21, the ring contacts the body over a substantial length of the ring between the at least one outwardly projecting bulge and the collar. Accordingly, a tight seal is ensured by the peripheral contact.

Claim 9 recites that the “fluid dispenser device being characterized in that the fixing means comprise a substantially cylindrical ring (20) engaged on the body (10) under the collar, said ring (20) being in peripheral leaktight contact with the body by being radially clamped thereon; wherein the body (10) also forms at least one outwardly-projecting bulge (13) situated below the collar (12)” As noted above, the applied references do not disclose or suggest these features.

In view of the foregoing, the Examiner is kindly requested to reconsider and withdraw the rejection of claims 1 and 9 and claims dependent therefrom.

Claim Rejections - 35 U.S.C. § 103

1. Claim 7 Over Gueret (US 6,073,805) In View Of de Pous et al. (US 6,273,300).

In rejecting claim 7 over Gueret (US 6,073,805) in view of de Pous et al. (US 6,273,300), the grounds of rejection state:

Gueret in No. 6,073,805 has taught all the features of the claimed invention except that the ring is made of metal. De Pous et al. teach the use of a ring (20), where the ring is made of metal (col. 2, ll. 15-19).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gueret's ring to be a metal ring as taught by de Pous et al. in (col. 2, ll. 15-19), in order to provide a metal ring which is inexpensive to manufacture and which makes it possible to limit assembly costs.

Office Action at pages 3-4.

Without substantively commenting on the grounds of rejection of claim 7, this claim is believed to be allowable at least by reason of its dependency.

2. Claims 10, 13, 14, And 17 Over Gueret (US 6,073,805) In View Of Gueret (US 5,292,033).

In rejecting claims 10, 13, 14, and 17 over Gueret (US 6,073,805) in view of Gueret (US 5,292,033), the grounds of rejection state:

Gueret in No. 6,073,805 has taught all the features of the claimed invention except that a gasket being interposed. Gueret teaches the use of a ring (212) having a flange (211), where the flange serving to come into abutment against the neck of a receptacle [R] with a gasket (32) being interposed (col. 6, ll. 16-25).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Gueret's gasket onto Gueret's dispenser device as taught by Gueret in (col. 6, ll. 16-25), in order to provide a fluid tight seal between the neck and the fixing ring.

Office Action at page 4.

Regarding amended claim 10, the gasket 32 in Gueret '033 does not contact the pump body. Even if the gasket of Gueret '033 were mounted in the dispenser of Gueret '805, the gasket would not contact the pump body. In both references, it is impossible to mount a gasket

under the ring in contact with the body, because the reservoir is a pouch type reservoir with a typical large opening.

In view of the foregoing, the Examiner is kindly requested to reconsider and withdraw the rejection of independent claim 10 and claims dependent therefrom.

Moreover, the applied references, whether taken individually or together, do not teach or suggest a gasket that contacts the bottom end of the ring as recited in claim 20.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 18-24, which are also believed to be allowable at least by reason of their respective dependencies.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 10/088,050

Attorney Docket No.: Q68978

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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